

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

TIMOTHY D. SMITH,

Plaintiff,

vs.

GEORGE E. WHALEN, Salt Lake City
Veterans Administration,

Defendant.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Case No. 2:19-cv-00190-TC-JCB

On March 20, 2019, Plaintiff Timothy D. Smith filed this lawsuit, first against the United States and then, by a later amendment, against George Whalen of the Salt Lake City Veterans Administration. (ECF Nos. 3, 10.) The court referred the matter to United States Magistrate Judge Paul M. Warner under 28 U.S.C. § 636(b)(1)(B). (ECF No. 4.) On June 3, 2020, the case was reassigned to Magistrate Judge Jared C. Bennett. (ECF No. 16.)

On May 28, 2020, Shannon M. Smith, the wife of Mr. Smith, filed a notice with the court stating that her husband had died and that she would “no longer be pursuing this case.” (ECF No. 17.) Judge Bennett then issued a Report and Recommendation, concluding that the case should be dismissed without prejudice. (ECF No. 18.)

Objections to the Report and Recommendation were due no later than July 1, 2020. (Id. at 5.) No objections have been filed.

The court has carefully reviewed Judge Bennett's Report and Recommendation and finds that it is correct in all respects. Accordingly, the Report and Recommendation is adopted as the order of the court, and the court orders that this action be dismissed without prejudice.

SO ORDERED this 7th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge